

EDITORIAL

Heads must roll over forced sterilisations

IT IS RATHER concerning that the Department of Health has still not commented on the forced or coerced sterilisations in the country's public health facilities.

The Commission for Gender Equality (CGE) has released a report detailing how women were violated simply because they were HIV positive.

The commission sampled 15 hospitals in KwaZulu-Natal and Gauteng, the provinces where most complaints were made.

What's sad is that these women will never have children again. HIV positive or not, no doctor or nurse has a right to decide for these women.

The law makes it clear that sterilisation should not happen without informed consent or through coercion.

All the Health spokesperson said was that they were still "gathering information needed". Their silence amid this outrage is deafening.

One woman recalled being told: "You HIV people don't ask questions when you make babies. Why are you asking questions now? You must be closed up because you HIV people like making babies and it annoys us. Just sign the forms so you can go to theatre."

Another said: "I want my uterus back, it was stolen and I demand it back." As more women come forward, we will hear about the horrible treatment they received from these public health workers.

What's scary is that the number could be higher than the 48 who have complained. Heads must definitely roll. And even if the department decides to compensate the victims, no amount of money will restore the dignity of these women.

One victim even demanded the prosecution of those involved.

"Being compensated is not really justice to me. I would like to see the practitioners involved brought forward and prosecuted. No amount of money will give me the experience of falling pregnant again. I do want to have a baby."

The National Department of Health has been accused of all sorts of negligence. Last week, Finance Minister Tito Mboweni noted the increasing number of medical claims against it.

In Gauteng alone, these amounted to R29 billion. Solutions must be found – and quickly. We can't have a department that wants to implement the National Health Insurance still being accused of violating the rights of patients. Let justice prevail.

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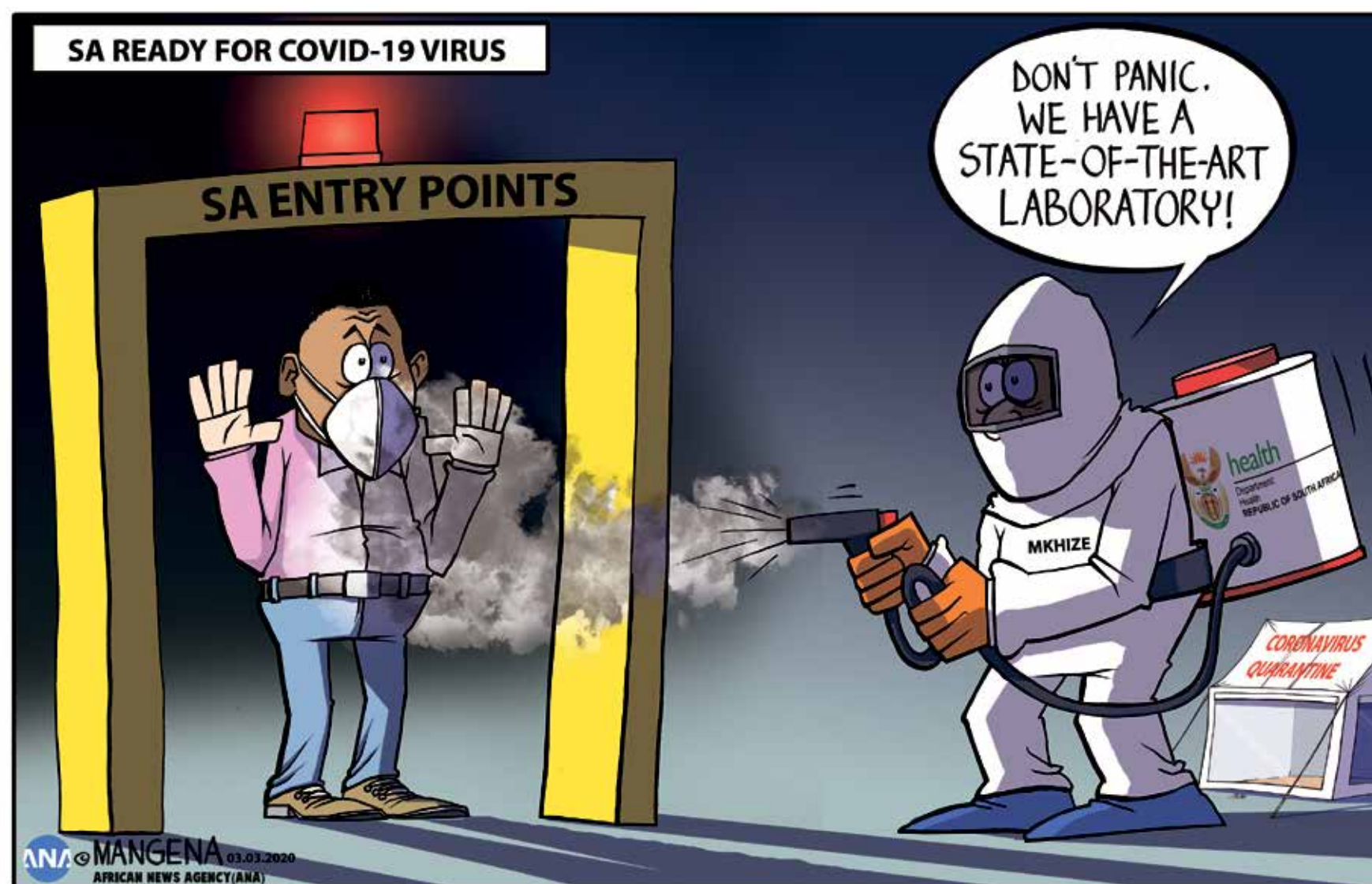
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opinion

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No place for human rights

With Covid-19, as with HIV, safety of the collective trumps privacy of the individual

THE Covid-19 epidemic has been politically illuminating. China seems to have slowed down the spread of the virus by using draconian measures that could never be imposed by democratic governments.

The first major surge of the epidemic beyond China's borders was into South Korea. It seems to have spread there in the midst of a religious group whose members congregated for funerals or worship.

Now, the mayor of that city is suing the church's leader for refusing to share intelligence about his church members. This is what happens when Covid-19 meets liberal democracy, as opposed to socialism.

In fact, both socialism and liberalism are strands of humanism. The difference is that socialism champions the rights of the collective, whereas liberalism champions the rights of the individual.

In terms of disease control, one of the ways public health is protected is to track down those who have come into contact with infected people, so they can be warned – for their own protection.

A high incidence of people in this church denomination had tested positive to Covid-19, so for the common good, the city government asked for its lists of members. The pastor suddenly decided to become an HRD (human rights defender) and invoked their individual right to privacy.

Constitutional democracies entrench such rights among their civil liberties. Unlike China – where government has not worried so much

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CHUCK STEPHENS

about individual rights, but put the common good first.

This reminded me, in retrospect, of why the HIV spread so fast in Africa. Like Covid-19, you could be infected by it without knowing. So you could also serve as a carrier – unwittingly.

But eventually, without treatment, the symptoms would manifest, making you and others realise you were infected. Long after you could have infected others.

There are recorded cases of people intentionally using their seropositivity to harm others. That is called "harmful HIV transmission".

There are also cases of people knowing that they were positive, and knowing how the virus is transmitted... yet they did not warn their sexual partners or take the expected precautions. This is called "reckless HIV transmission".

Maybe they weren't using their infection as a weapon? But like the Korean church leader, they were putting their individual rights ahead of the common good. This is rabid entitlement.

When rape is committed, the

perpetrator can also infect the victim with the HIV virus. This aggravates the charge of rape and stiffens the sentencing. Rape is a crime in itself, distinct from intentional or reckless HIV transmission. In the law of South Africa, that is a crime too, and should be prosecuted as well. It is called "HIV-endangerment".

Reckless transmission is a risk – even in the current Covid-19 epidemic. The Black Death was unleashed on Europe when the Mongol soldiers of Jani Beg lobbed infected bodies over the walls of the port city of Kaffa.

People started dying and fled on boats which sailed to ports in Europe, transporting the bubonic plague. It was a weapon of mass destruction.

In SA prosecutors suffer a debilitating overdose of liberal humanism

It turned out that the transmission was not directly from people-to-people like HIV or the coronavirus. It involved rats on board the ships. And even the rats were not to blame. It was the fleas on the rats that infected humans when the rats died.

In South Africa we will soon see this clash of causes – and the grand championing of individual rights in the face of socialistic efforts to contain the epidemic. In fact, we have seen it already. Because the law of South

Africa – like most countries in Africa – criminalises "HIV endangerment". Not HIV-transmission, that is not a crime.

The law criminalises those who endanger others by their silence and/or stealth. Call it indecent exposure.

But NPA prosecutors do nothing, because of the roar that arises from the HRDs, should they try to champion the rights of victims. For some reason, the rights of the perpetrators prevail. Just like this church leader in Korea, refusing to divulge intelligence about his flock to the city authorities trying to contain the spread of an epidemic.

The rights of many victims have been denied. Prosecutors cower at having to prosecute the crime of "HIV endangerment". Because they are champions of another cause – justice.

They somehow forget that the justice system also has defence attorneys. It is the duty of a defence attorney to do his or her utmost to defend people.

The problem in South Africa is that State prosecutors suffer from a debilitating overdose of liberal humanism.

They usurp the role of the judges by only prosecuting one out of three cases presented by the police. They are more concerned about their batting average than about victims' rights.

In the light of the fact that prosecutors basically ignore the criminalisation of HIV endangerment, my sense is that citizens of South Africa are sitting ducks when it comes to Covid-19.

Stephens works for the Unembeza Desk at the Desmond Tutu Centre for Leadership. He writes in his personal capacity

COMMENT



TOYIN FALOLA

GARUBA: GENTLE HUMANIST OF GREAT INTELLECT

WE HAVE lost an outstanding poet, great essayist, and famous literary figure. Professor Garuba was full of talents. Very well known in the literary world, his voice started to echo at Ibadan, crossing the Atlantic, and then detouring to South Africa where he and Professor Kole Omotoso – his fellow Akure citizen – joined in the transformation of the South African academy.

Harry Garuba, Nuruddin Farah (nominated multiple times for the Nobel Prize) and Amina Mama (the pre-eminent feminist scholar) once hosted me. The conversations were elaborate. Harry and I plotted one more time to push Nuruddin for the Nobel. No luck, but the omission is a major one, similar to that of Achebe and wa Thiong'o. The University of Cape Town was a great place to be.

Fast forward – Harry and his colleagues were to appoint me to their faculty as an honorary professor.

We invited Harry to Austin for a semester where we interacted intensely. He was a theorist with a limitless pool of knowledge. His lectures were well received.

I cannot reproduce his laughter. Glued to his face was his signature smile. Only a hand was free at a time, the other holding a cigarette.

The transformation that preoccupied Harry created the path to our last meeting in Johannesburg.

Professor Adekeye Adebajo, the distinguished political scientist and eminent public intellectual, brought many of us together at the University of Johannesburg's Institute for Pan-African Thought and Conversation on August 18 and 19 2018 to dialogue on "Curriculum Transformation in the Humanities." My memory does not fail me in matters such as this.

Harry had passion and zeal for poetry, the ... source of his strength

Harry spoke on the Heinemann African Writers' Series. At lunchtime, we sat together where I told him about a manuscript he had not read, the dissertation of Bode Ibironke of Rutgers on that same Series, subsequently published by Palgrave (*Remapping African Literature*).

And of course, a reminder about his long-awaited book, the completion of which he was always agonising about. "There was no death on his face," as the Yoruba would say.

I had planned to see him in the coming weeks. Not any more. Harry was a secularist. I don't know what he would say if I ask God to invite him to His side, but I seek this assurance. Harry lived a glorious life.

Harry had passion and zeal for poetry, the amazing source of his strength.

He loved words, the spring of his awesome inspiration. He was both humane and urbane, his warmth and divine protection.

When I wanted to tease him, I would call him Haruna. "I am Harry, not Haruna!" he would object.

Haruna, you did well on earth. Harry, your mission has been accomplished.

Harry will continue to be with us. Harry would object but I will pray anyway: "Ya Allah, please remove all the pride and arrogance from my heart, forgive my major and minor sins and make me worthy to jannah." Sleep well, great mind.

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Majority rule means majorities simply rule

IBRAHIM VAWDA

PEACEFUL PROTESTS on the streets of the Indian capital, New Delhi, has severely exposed the hypocrisy, fraud and double standards of Western imperialism and empire-building.

Donald Trump, the champion of Western "democracy", when addressing a crowd of Modi-supporters in the State of Gujarat on a recent visit to India, said: "India proudly embraces freedom, liberty, individual rights and the rule of law".

Ironically, it was in this very state, when Modi was chief minister in 2002, that more than 2000 Muslim men, women and children were mercilessly brutalised, maimed and killed.

Modi is a member of the Fascist organisation the Rashtriya Swayam-sivak Sangh (RSS), and leader of its

political wing, the ruling BJP. Modi was culpable in this pogrom.

Distressingly, history is repeating itself on the streets of Delhi during Trump's visit, but this time, with Modi as India's prime minister.

India has recently passed the Citizenship Amendment Act (CAA), and the National Register for Citizens (NRC).

These pieces of legislation are unprecedented, unconstitutional, fundamentalist and anti-secularist.

The opposing forces on the streets of New Delhi, the supporters of religious nationalism and the supporters of secular nationalism, will find that these laws will prove as dark a threat to their identities as that which colonialism presented.

Trump does not see nor does he understand the reality on the streets

of New Delhi.

He told the crowd at the same gathering that "your unity is an inspiration to the world".

Whose freedom and what unity is Trump referring to?

Nationwide protests have raged for months in cities across the country.

Critics of these laws are of the opinion that they discriminate against minorities and seek to enshrine religious discrimination into Indian citizenship.

These latest riots have led to the burning and looting of Muslim homes and businesses, and the deliberate destruction of mosques.

Mainstream media have failed in their responsibilities to inform the world of the grotesque and unimaginable brutality of the attacks on defenceless citizens belonging to minority

groups – and especially Muslims.

Social media platforms have reported in graphic detail the extent of the vicious and inhuman savagery of these attacks.

The critical question is: In a fascist dispensation, is there room for justice within a constitutional democracy?

In reality, what's at stake is the definition of democracy: Does majority rule mean that majorities simply rule?

Or does genuine democracy require that minorities, whether defined in religious, ethnic or ideological terms, be granted institutional protection?

It's a question with which nations across the world will have to wrestle. Not least the US, Britain, and much of Europe.

Vawda is a researcher at the Media Review Network